

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Catoe's Report and Recommendation and incorporates it herein.

It is therefore

ORDERED that the complaint is hereby **DISMISSED** with prejudice for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. BRYAN HARWELL
United States District Judge

Florence , South Carolina
October 15, 2008